

# **EXHIBIT 2**

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: NATIONAL ) MDL No. 2804  
PRESCRIPTION OPIATE )  
LITIGATION ) Case No.  
 ) 1:17-MD-2804  
 )  
THIS DOCUMENT RELATES TO ) Hon. Dan A.  
ALL CASES ) Polster  
 )

— — —  
Wednesday, May 29, 2019  
— — —

HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
CONFIDENTIALITY REVIEW  
— — —

Videotaped Deposition of DANIEL P.  
KESSLER, JD, Ph.D., held at Jones Day,  
1755 Embarcadero Road, Palo Alto, California,  
commencing at 9:02 a.m., on the above date,  
before Debra A. Dibble, Registered Diplomate  
Reporter, Certified Realtime Reporter,  
Certified Realtime Captioner, and Notary  
Public.

— — —  
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deps@golkow.com

1 him professionally. Probably 20 years. In  
2 the ballpark of 20 years.

3 Q. And are you aware of whether or  
4 not he is a research associate at the NBER?

5 A. I believe he is, but I am not  
6 certain. Yeah, I'm not certain.

7 Q. Okay. By the way, with respect  
8 to all four of these professors that we just  
9 discussed, Professors Gruber, Cutler,  
10 McGuire, and Liebman, do you know any of them  
11 outside of your professional capacity?

12 A. No.

13 Q. In other words, would you  
14 consider any of them your colleagues?

15 MR. GEISE: Object to the form.

16 THE WITNESS: Yes. I mean, I'd  
17 consider them all my colleagues.

18 MR. KO: Okay. Great.

19 THE WITNESS: In a professional  
20 context.

21 Q. (BY MR. KO) Do you respect all  
22 four of them?

23 MR. GEISE: Objection, vague.

24 THE WITNESS: I think they're

1           all very smart academic researchers.

2                   I certainly have read many of  
3           the papers that they've written, and  
4           learned from them.

5           Q.       (BY MR. KO) And do you know  
6   Professor Meredith Rosenthal?

7           A.       Not really.

8           Q.       Okay. You don't have a  
9   professional relationship with her?

10          A.       No, I would not say I know  
11   Professor Rosenthal professionally, no.

12          Q.       So is it fair to say that you  
13   know Professors Cutler, Gruber, McGuire, and  
14   Liebman more than you know Professor  
15   Rosenthal?

16          A.       Yes. That's a correct  
17   assessment.

18          Q.       Okay. Now going back to your  
19   CV on the awards and fellowships that you  
20   list, are there -- I just want to make sure  
21   the record is clear, are there any other  
22   awards or fellowships that you can think of  
23   that you have had or currently have that are  
24   not listed here?

## 1 CERTIFICATE

2 I, DEBRA A. DIBBLE, Registered  
3 Diplomat Reporter, Certified Realtime  
4 Reporter, Certified Realtime Captioner,  
5 Certified Court Reporter and Notary Public,  
6 do hereby certify that prior to the  
7 commencement of the examination, DANIEL P.  
8 KESSLER, JD, Ph.D. was duly sworn by me to  
9 testify to the truth, the whole truth and  
10 nothing but the truth.

11 I DO FURTHER CERTIFY that the  
12 foregoing is a verbatim transcript of the  
13 testimony as taken stenographically by and  
14 before me at the time, place and on the date  
15 hereinbefore set forth, to the best of my  
16 ability.

17 I DO FURTHER CERTIFY that pursuant  
18 to FRCP Rule 30, signature of the witness was  
19 not requested by the witness or other party  
20 before the conclusion of the deposition.

21 I DO FURTHER CERTIFY that I am  
22 neither a relative nor employee nor attorney  
23 nor counsel of any of the parties to this  
24 action, and that I am neither a relative nor  
employee of such attorney or counsel, and  
that I am not financially interested in the  
action.

DEBRA A. DIBBLE, RDR, CRR, CRC  
NCRA Registered Diplomat Reporter  
NCRA Certified Realtime Reporter  
Certified Court Reporter

Dated: 29 May 2019